

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN L. KITTO,

Defendant.

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8:08CR86

ORDER

This matter is before the court on the motion to continue by defendant Sean L. Kitto (Kitto) (Filing No. 14). Kitto seeks a continuance of ninety days of the trial of this matter which is scheduled for April 28, 2008. Belatedly, Kitto has filed a statement wherein he agrees to the motion represents that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 15). Kitto's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted in part as set forth below.

**IT IS ORDERED:**

1. Kitto's motion to continue trial (Filing No. 14) is granted in part as set forth below.

2. Trial of this matter is re-scheduled for **July 7, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 22, 2008 and July 7, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge